

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Environmental Affairs, to which was referred House Bill 1200, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, delete lines 4 through 17, begin a new paragraph and insert:
2 **"Chapter 6. Liability Limitation for Certain Surficial Activities**
3 **Sec. 1. (a) Subject to subsection (b) and except as provided**
4 **under existing defenses and exemptions to liability contained in the**
5 **environmental management laws, a person who:**
6 **(1) owns or otherwise legally possesses real property that is**
7 **not more than one (1) acre in size; and**
8 **(2) installs only:**
9 **(A) pavement or another hard surface; or**
10 **(B) landscaping and other surficial plantings;**
11 **on the surface of the real property does not incur any additional**
12 **liability for those paving or landscaping activities under the**
13 **environmental management laws for costs or damages associated**
14 **with the presence of a hazardous substance, a contaminant,**

1 petroleum, or a petroleum product that is located beneath the
2 surface of the real property.

3 (b) Paving or landscaping activities on real property described
4 in subsection (a)(2) may not:

5 (1) impede the effectiveness or integrity of any institutional
6 control employed on the real property in connection with a
7 response action at the real property;

8 (2) violate a land use restriction established or relied on in
9 connection with a response action at the real property;

10 (3) result in a release of a hazardous substance, a
11 contaminant, petroleum, or a petroleum product at the real
12 property; or

13 (4) exacerbate existing contamination at the real property.".

14 Page 2, delete lines 1 through 38.

15 Page 2, line 42, delete "brownfield" and insert "surficial".

(Reference is to HB 1200 as introduced.)

and when so amended that said bill do pass.

Representative Wolkins